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Advancement of women

Argentina, Bangladesh, Belarus, Belize, Brazil, Chile, Egypt, Ethiopia, Guatemala, Honduras, India, Indonesia, Madagascar, Mexico, Peru, Philippines, United States of America and Uruguay: revised draft resolution

Violence against women migrant workers

The General Assembly,

Recalling all of its previous resolutions on violence against women migrant workers and those adopted by the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, and the Declaration on the Elimination of Violence against Women,[1]

Reaffirming the provisions concerning women migrant workers contained in the outcome documents of the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the Fourth World Conference on Women[4] and the World Summit for Social Development[5] and their reviews,

Welcoming the establishment of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and expressing hope that it will robustly support national efforts to increase women's access to economic opportunities, especially for those who are most excluded, including women migrant workers, and to end violence against women migrant workers, in the light of the UN-Women strategic plan, 2011-2013,[6] which has among its six goals, increasing

[1] See resolution 48/104.
[2] A/CONF.157/24 (Part I), chap. III.
[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.
[4] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.
[5] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.
[6] UNW/2011/9.

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women's access to economic opportunities and preventing violence against women and girls and expanding access to survivor services, and the policy and programmatic work of UN-Women on empowering women migrant workers,

Welcoming also the agreed conclusions adopted by the Commission on the Status of Women during its fifty-fifth session,[7] and taking note, in particular, of the commitment, as appropriate, to implement gender-sensitive policies and programmes for women migrant workers, to ensure that all women, including care workers, are legally protected against violence and exploitation, to provide safe and legal channels that recognize women migrant workers' skills and education and fair labour conditions, and to facilitate their productive employment and decent work and integration into the labour force,

Recalling the discussions during the High-level Dialogue on International Migration and Development, held on 14 and 15 September 2006, which recognized, inter alia, the need for special protection for migrant women, and noting that another high-level dialogue on the same theme will be held in 2013,

Welcoming the adoption of Convention No. 189 and Recommendation No. 201 on decent work for domestic workers by the International Labour Conference on 16 June 2011, at its one hundredth session, noting the importance of early entry into force of Convention No. 189 and encouraging States to consider ratifying it, encouraging States parties to the Convention on the Elimination of All Forms of Discrimination against Women[8] to note and consider general recommendation No. 26 on women migrant workers, adopted by the Committee on the Elimination of Discrimination against Women in November 2008,[9] and encouraging States parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] to take note of and consider general comment No. 1 on migrant domestic workers, adopted by the Committee for the Protection of the Rights of All Migrants Workers and Members of Their Families in December 2010,[11] acknowledging that they are complementary and mutually reinforcing,

Recognizing the increasing participation of women in international migration, driven in large part by socio-economic factors, and that this feminization of migration requires greater gender sensitivity in all policies and efforts related to the subject of international migration,

Stressing the shared responsibility of all stakeholders, in particular countries of origin, transit and destination, relevant regional and international organizations, the private sector and civil society, in promoting an environment that prevents and addresses violence against women migrant workers, including in the context of discrimination, through targeted measures, and in this regard recognizing the importance of joint and collaborative approaches and strategies at the national, bilateral, regional and international levels,

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[7] *Official Records of the Economic and Social Council, 2011, Supplement No. 7* (E/2011/27), chap. I, sect. A.

[8] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[9] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 38* (A/64/38), annex I.

[10] United Nations, *Treaty Series*, vol. 2220, No. 39481.

[11] CMW/C/GC/1.

Recognizing that women migrant workers are important contributors to social and economic development, through the economic and social impact of their work on countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

Recognizing also the particular vulnerability of women and their children at all stages of the migration process, extending from the moment of deciding to migrate, and including transit, engagement in formal and informal employment, and integration into the host society, as well as during their return to and reintegration in their countries of origin,

Expressing deep concern at the continuing reports of grave abuses and violence committed against migrant women and girls, including gender-based violence, in particular sexual violence, domestic and family violence, racist and xenophobic acts, abusive labour practices, exploitative conditions of work and contemporary forms of slavery, including all forms of forced labour, and trafficking in persons,

Recognizing that the intersection of, inter alia, gender, age, class and ethnic discrimination and stereotypes can compound the discrimination faced by women migrant workers, and that gender-based violence is a form of discrimination,

Reaffirming the commitment to protect and promote the human rights of all women, including, without discrimination, indigenous women who migrate for work, and in this regard noting the attention paid in the United Nations Declaration on the Rights of Indigenous Peoples[12] to the elimination of all forms of violence and discrimination against indigenous women, as appropriate,

Noting that the priority theme of the fifty-sixth session of the Commission on the Status of Women will be the empowerment of rural women and their role in poverty and hunger eradication, development and current challenges,[13] and in this regard recognizing the role and contribution of rural women migrant workers towards poverty eradication and development in their communities,

Concerned that many migrant women who are employed in the informal economy and in less skilled work are especially vulnerable to abuse and exploitation, underlining in this regard the obligation of States to protect the human rights of migrants so as to prevent and address abuse and exploitation, and observing with concern that many women migrant workers take on jobs for which they may be overqualified and in which, at the same time, they may be more vulnerable because of poor pay and inadequate social protection,

Emphasizing the need for objective, comprehensive and broad-based information, including sex- and age-disaggregated data and statistics, and gender-sensitive indicators for research and analysis, and a wide exchange of experience and lessons learned by individual Member States and civil society in the formulation of targeted policies and concrete strategies to specifically address violence against women migrant workers, including in the context of discrimination,

Realizing that the movement of a significant number of women migrant workers may be facilitated and made possible by means of fraudulent or irregular

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[12] Resolution 61/295, annex.

[13] See Economic and Social Council resolution 2009/15.

documentation and sham marriages with the object of migration, that this may be facilitated through, inter alia, the Internet, and that those women migrant workers are more vulnerable to abuse and exploitation,

Recognizing the importance of exploring the link between migration and trafficking in persons in order to further efforts towards protecting women migrant workers from violence, discrimination, exploitation and abuse,

Encouraged by some measures adopted by some countries of destination to alleviate the plight of women migrant workers residing in their areas of jurisdiction and to promote access to justice, such as the establishment of gender-sensitive protection mechanisms for migrant workers, facilitating their access to mechanisms for reporting complaints or providing assistance during legal proceedings,

Underlining the important role of relevant United Nations treaty bodies in monitoring the implementation of human rights conventions and the relevant special procedures, within their respective mandates, in addressing the problem of violence against women migrant workers and in protecting and promoting their human rights and welfare,

1. *Takes note with appreciation* of the report of the Secretary-General;[14]

2. *Encourages* Member States to consider signing and ratifying or acceding to relevant International Labour Organization conventions and to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[15] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[16] the 1954 Convention Relating to the Status of Stateless Persons[17] and the 1961 Convention on the Reduction of Statelessness,[18] as well as all other human rights treaties that contribute to the protection of the rights of women migrant workers, and also encourages Member States to implement the Global Plan of Action to Combat Trafficking in Persons;[19]

3. *Takes note* of the report of the Special Rapporteur of the Human Rights Council on violence against women, its causes and consequences, entitled "Political economy of women's human rights", submitted to the Council at its eleventh session,[20] in particular her elaboration in that report of the current issues of the exploitation and violence that women migrants face in the context of the current global economic trends and crises;

4. *Encourages* all United Nations special rapporteurs on human rights whose mandates touch on the issues of violence against women migrant workers to improve the collection of information on and analysis of those areas within their

[14] A/66/212.
[15] United Nations, *Treaty Series*, vol. 2237, No. 39574.
[16] Ibid., vol. 2241, No. 39574.
[17] Ibid., vol. 360, No. 5158.
[18] Ibid., vol. 989, No. 14458.
[19] Resolution 64/293, annex.
[20] A/HRC/11/6.

mandate relating to the current challenges facing women migrant workers, and also encourages Governments to cooperate with the special rapporteurs in this regard;

5. *Calls upon* all Governments to incorporate a human rights, gender-sensitive and people-centred perspective in legislation, policies and programmes on international migration and on labour and employment, consistent with their human rights obligations and commitments under human rights instruments, for the prevention of and protection of migrant women against violence and discrimination, exploitation and abuse, and to take effective measures to ensure that such migration and labour policies do not reinforce discrimination, where necessary, by conducting impact assessment studies of such legislation, policies and programmes in order to identify the impact of measures taken and the results achieved in regard to women migrant workers;

6. *Also calls upon* Governments to adopt or strengthen measures to protect the human rights of women migrant workers, regardless of their immigration status, including in policies that regulate the recruitment and deployment of women migrant workers, and to consider expanding dialogue among States on devising innovative methods to promote legal channels of migration, inter alia in order to deter illegal migration, to consider incorporating a gender perspective into immigration laws in order to prevent discrimination and violence against women, including with regard to independent, circular and temporary migration, and to consider permitting, in accordance with national legislation, women migrant workers who are victims of violence to apply for residency permits independently of abusive employers or spouses;

7. *Urges* Governments to enhance bilateral, regional, interregional and international cooperation to address violence against women migrant workers, fully respecting international law, including international human rights law, as well as to strengthen efforts to reduce the vulnerability of women migrant workers, by facilitating effective access to justice and effective action in the areas of law enforcement, prosecution, prevention, capacity-building, victim protection and support, by exchanging information and good practices in combating violence and discrimination against women migrant workers and by fostering sustainable development alternatives to migration in countries of origin;

8. *Also urges* Governments to take into account the best interests of the child, by adopting or strengthening measures to promote and protect the human rights of migrant girls, including unaccompanied girls, regardless of their immigration status, so as to prevent labour and economic exploitation, discrimination, sexual harassment, violence and sexual abuse in the workplace, including in domestic work;

9. *Further urges* Governments, to strongly encourage all stakeholders, especially the private sector, including employment agencies involved in recruiting women migrant workers, to strengthen the focus on and funding support for the prevention of violence against women migrant workers, in particular by promoting the access of women to meaningful and gender-sensitive information and education on, inter alia, the costs and benefits of migration, rights and benefits to which they are entitled in the countries of origin and employment, overall conditions in countries of employment and procedures for legal migration, as well as to ensure that laws and policies governing recruiters, employers and intermediaries promote

adherence to and respect for the human rights of migrant workers, particularly women;

10. *Encourages* all States to remove obstacles that may prevent the transparent, safe, unrestricted and expeditious transfer of remittances of migrants to their countries of origin or to any other countries, including, where appropriate, by reducing transaction costs and implementing woman-friendly remittance transfer, savings, and investment schemes, including diaspora investment schemes, in conformity with applicable national legislation, and to consider, as appropriate, measures to solve other problems that may impede women migrant workers' access to and management of their economic resources;

11. *Calls upon* Governments to recognize the right of women migrant workers, regardless of their immigration status, to have access to emergency health care, and in this regard to ensure that women migrant workers are not discriminated against on the grounds of pregnancy and childbirth and, in accordance with national legislation, to address the vulnerabilities to HIV experienced by migrant populations, and support their access to HIV prevention, treatment, care and support;

12. *Urges* States that have not yet done so to adopt and implement legislation and policies that protect all women migrant domestic workers, and to include therein and improve where necessary, relevant monitoring and inspection measures in line with applicable International Labour Organization conventions and other instruments, to ensure compliance with international obligations, and to grant women migrant workers in domestic service access to gender-sensitive, transparent mechanisms for bringing complaints against employers, while stressing that such instruments should not punish women migrant workers, and calls upon States to promptly investigate and punish all violations of their rights;

13. *Calls upon* Governments, in cooperation with international organizations, non-governmental organizations, the private sector and other stakeholders, to provide women migrant workers who are victims of violence, irrespective of their immigration status, in line with domestic legislation, with the full range of emergency assistance, and protection and, to the extent possible, gender-sensitive services that are culturally and linguistically appropriate, in accordance with relevant international human rights instruments and applicable conventions;

14. *Also calls upon* Governments, in particular those of the countries of origin and destination, to put in place penal and criminal sanctions in order to punish perpetrators of violence against women migrant workers and intermediaries and gender-sensitive redress and justice mechanisms that victims can access effectively and that allow their views and concerns be presented and considered at appropriate stages of proceedings, as well as measures that will allow victims to be present during the judicial process, when possible, and to protect migrant women workers who are victims of violence from revictimization, including by authorities;

15. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of women migrant workers and to take action to prevent and punish any form of illegal deprivation of the liberty of women migrant workers by individuals or groups;

16. *Encourages* Governments to formulate and implement training programmes for their law enforcers, immigration officers and border officials,

diplomatic and consular officials, prosecutors and service providers, with a view to sensitizing those public-sector workers to the issue of violence against women migrant workers and imparting to them the necessary skills and attitude to ensure the delivery of proper, professional and gender-sensitive interventions;

17. *Also encourages* Governments to promote coherence between migration, labour and anti-trafficking policies and programmes concerning women migrant workers, based on a human rights, gender-sensitive and people-centred perspective, to ensure that the human rights of women migrant workers are protected throughout the migration process and to enhance efforts to prevent violence against women migrant workers, prosecute perpetrators and protect and support victims and their families;

18. *Calls upon* States, in accordance with the provisions of article 36 of the Vienna Convention on Consular Relations,[21] to ensure that, if a woman migrant worker is arrested or committed to prison or custody pending trial, or is detained in any other manner, competent authorities respect her freedom to communicate with and have access to the consular officials of the country of her nationality, and in this regard to inform without delay, if that woman migrant worker so requests, the consular post of her State of nationality;

19. *Invites* the United Nations system and other concerned intergovernmental and non-governmental organizations to cooperate with Governments, within existing resources, towards a better understanding of the issues concerning women and international migration, and to improve the collection, dissemination and analysis of sex- and age-disaggregated data and information in order to assist in the formulation of migration and labour policies that are, inter alia, gender-sensitive and that protect human rights, as well as to aid in policy assessment and to continue to support national efforts to address violence against women migrant workers in a coordinated way that ensures effective implementation, enhances their impact and strengthens positive outcomes for women migrant workers;

20. *Encourages* Governments to formulate national policies concerning women migrant workers that are based on up-to-date, relevant sex-disaggregated data and analysis in close consultation with women migrant workers and relevant stakeholders throughout the policy process, and also encourages Governments to ensure that such process is adequately resourced and that the resulting policies have measurable targets and indicators, timetables, and monitoring and accountability measures, in particular for employment agencies, employers and public officials, provide for impact assessments and ensure multi-sector coordination within and between countries of origin, transit and destination through appropriate mechanisms;

21. *Encourages* concerned Governments, in particular those of the countries of origin, transit and destination, to avail themselves of the expertise of the United Nations, including the Statistics Division of the Department of Economic and Social Affairs of the Secretariat, and UN-Women to develop and enhance appropriate sex-disaggregated national data-collection, analysis and dissemination methodologies that will generate comparable data and tracking and reporting systems on violence against women migrant workers, and wherever possible violations of their rights at all stages of the migration process, and to:

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[21] United Nations, *Treaty Series*, vol. 596, No. 8638.

(a) Further study the costs of violence against women, including migrant workers, to the women themselves, their families and their communities;

(b) Analyse the opportunities available to women migrant workers and their impact on development;

(c) Support the improvement of macrodata on remittances, for appropriate policy formulation and implementation;

22. *Requests* the Secretary-General to provide a comprehensive, analytical and thematic report to the General Assembly at its sixty-eighth session on the problem of violence against women migrant workers and on the implementation of the present resolution, specifically with regard to access to justice for women migrant workers, highlighting the impact of legislation, policies and programmes on women migrant workers, taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization, the United Nations Development Programme, UN-Women, and the United Nations Office on Drugs and Crime, as well as the reports of special rapporteurs that refer to the situation of women migrant workers and other relevant sources, such as the International Organization for Migration, including non-governmental organizations.